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08/250,791 05/27/94 KOSTRESKI

26M1/0706  
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B 680083	
EXAMINER	
COHEN, C	
ART UNIT	PAPER NUMBER

2602  
DATE MAILED:

07/06/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 10-29-94 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.      | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.                  |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/>  |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-34 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-34 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Examiner suggests the following title: "DYNAMICALLY PROGRAMMABLE DIGITAL ENTERTAINMENT TERMINAL UTILIZING SOFTWARE TO ACCESS DIFFERENT VIDEO INFORMATION PROVIDERS"

2. Applicant should review the specification and insert the corresponding serial numbers of copending U.S. Application numbers which have only been referred to by title and attorney docket number. (e.g., page 11, line 11)

3. Within the specification Applicant refers to Figure 1 reference element 139 as a "modulator" (page 15, lines 20 & 29 and page 16, line 1); however, Figure 1 labels reference element (139) as a "demodulator". Either the drawing or specification should be amended so that the terminology is consistent throughout the application.

4. Claims 4 & 28-31 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 4, lines 3-4, the phrase "means for combining the decompressed audio signal" as it stands lacks proper antecedent basis. However, the claim appears to be similar to claim 17 and if so the problem lies in that the term "and" should be inserted after "combining" in line 4.

Claim 28, line 13, "the control processor" lacks proper antecedent basis and should be rewritten as "a control processor".

5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-13, 24-27 & 29-34 are rejected under 35 U.S.C. § 103 as being unpatentable over Litteral et al. (provided by Applicant) in view of Palazzi, III et al. & Japanese Patent No. 03-149992 (hereinafter "Yugami").

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Referring to claims 1 & 7, Litteral et al. (Litteral) discloses (Figure 2) an enhanced public switched telephone network supporting two-way voice and data to subscribers in which digital data is transmitted under the control of a network management system (28) (see Figure 2) for sending and receiving control signals through interface modules (ADSL interface units & ISDN D channel interface) (Figure 2, elements 16, 18, 104, 124, 38); control unit (130) for receiving user inputs and providing control signals to the network management system (28); temporary storage (42) which stores the data received in response to a command; and, decoders (106 & 126) for performing the claimed audio/video processing (column 5, lines 11-17). Litteral fails to disclose: 1) programming the control of subsequent operations of the terminal including at least some audio/video processor operations and at least some responses to the user inputs; and, 2) control is carried out by stored software programs. As for the first limitation, Palazzi, III et al. (Palazzi) discloses (column 9, lines 43-53) an interactive terminal for accessing remote database information in which the terminal may be programmed or reprogrammed by the host data base operator for instance to change for example, internal program operation, screen information, character generation fonts, functions associated with specific keys of a keypad, etc. Therefore, Palazzi discloses control of operations of the terminal including

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audio/video operations such as character fonts and screen information as well as controlling operations in response to user inputs such as the functions associated with the specific keys of the keypad as claimed. It would have been obvious to one of ordinary skill in the art to modify Litteral as taught by Palazzi and control subsequent actions of the terminal so that future enhancements or functions may be easily and inexpensively implemented. As for the second limitation, Yugami discloses (see abstract) using stored algorithms to provide new functions to the system. Although Palazzi discloses that the operations be performed in accordance with programming from the host database operator, it would have been obvious to one of ordinary skill in the art to modify Litteral & Palazzi as taught by Yugami and implement the new operations using stored software algorithms so that the same operational functions are programmed each time.

Referring to claim 2, Litteral discloses (Figure 2 & column 5, lines 11-17) decoders (106 & 126) for decompressing the digital information including the digitized audio and video signals. Litteral fails to disclose a graphics overlay controller for generating graphic display information and means for combining the display information with the decompressed video signal. Teletext communication systems are old and well known in the art to include a graphics generator and controller as well as a mixer for combining the graphics information with video data.

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It would have been obvious to one of ordinary skill in the art to modify Litteral, Palazzi & Yugami and include a graphics overlay controller and combiner to provide enhance features such as receiving teletext or closed captioning data.

Referring to claim 3, Litteral specifically discloses (column 7, lines 38-43) the use of MPEG encoding techniques on the analog signal to convert the signal to digital format. Litteral also discloses (Figure 2 & column 5, lines 11-17) the use of decoders (106 & 126) for decompressing the digitized audio and video signals and a demultiplexer for separating the audio and video data (column 6, lines 57-58).

Referring to claim 4, Litteral discloses (Figure 2) that the decoders (106 & 126) (analogous to the claimed "audio/video processor") has output means to the subscriber terminals for driving a television receiver (108 & 128).

Referring to claims 5 & 8, Palazzi discloses (column 9, lines 43-53) an interactive terminal for accessing remote database information in which the terminal may be programmed or reprogrammed by the host data base operator for instance to change for example, internal program operation, screen information, character generation fonts, functions associated with specific keys of a keypad, etc. Therefore, Palazzi discloses controlling operations in response to user inputs such as the functions associated with the specific keys of the keypad

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as claimed. Such operations are application specific and therefore inherently would be carried out by application programs. It would have been obvious to one of ordinary skill in the art to modify Litteral & Yugami as taught by Palazzi and include application programming to provide enhanced features to the system by allowing the applications to be specifically designed for each database.

Referring to claims 6 & 9, (Palazzi) discloses (column 9, lines 43-53) an interactive terminal for accessing remote database information in which the terminal may be programmed or reprogrammed by the host data base operator for instance to change for example, internal program operation, screen information, character generation fonts, functions associated with specific keys of a keypad, etc. Therefore, Palazzi discloses control of operations of the terminal including audio/video operations such as character fonts and screen information. Such operations inherently involve the operating system functions and therefore would be executed using operating system programming. It would have been obvious to one of ordinary skill in the art to modify Litteral & Yugami as taught by Palazzi and include operating system programming to provide enhanced features to the system by allowing the overall functions of the system to be specifically designed for each database.

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Referring to claim 10, Litteral discloses (column 10, lines 15-18) that it is old and well known in the art to prevent access to a database by requiring proper authorization before information is transmitted. It would have been obvious to one of ordinary skill in the art to expand this known function to the present situation in which information (in the particular case software) would not be transmitted until proper authorization or identification has been received for system security to prevent access to unauthorized users.

Referring to claim 11, the limitations are the as those addressed above with respect to independent claim 1 except for the following additional limitations: 1) providing a plurality of service providers; and, 2) writing over the previous software. As for the first limitation, Litteral discloses (Figure 2) a system including different service providers (142 & 162). As for the second limitation, it would have been obvious to one of ordinary skill in the art to modify Litteral, Palazzi & Yugami and rewrite over the existing software in memory in order to constantly refresh the memory.

Claim 12 differs from that of claim 11 in that more than one information provider may be accessed. It would have been obvious to one of ordinary skill in the art to modify Litteral, Palazzi & Yugami and permit more than one information provider to be accessed to provide greater flexibility to the system.



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Referring to claim 13, Litteral discloses (Figure 2 & column 10, lines 18-22) receiving a service provider selection as input to the terminal (100 & 120), establishing a two-way communication link between the terminal (100 & 120) and the gateway (32), and establishing a downstream, broadband, digital communication link between the terminal (100 & 120) and the VIP (142 & 162) so that stored data is sent to the DCS node (24).

Claims 24 & 25 have the same limitations as found in claims 1 & 7 which were addressed above and includes the further limitation of determining if the information service provider is authorized prior to downloading the information (software). Litteral discloses (column 10, lines 15-18) that it is old and well known in the art to prevent access to a database by requiring proper authorization before information is transmitted. It would have been obvious to one of ordinary skill in the art to expand this known function to the present situation in which information (in the particular case software) would not be transmitted until proper authorization or identification has been received for system security to prevent access to unauthorized users.

Referring to claim 26, the limitations are the same as those addressed above with respect to independent claim 1 except for the following additional limitations: 1) providing a plurality of service providers; and, 2) writing over the previous software.

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As for the first limitation, Litteral discloses (Figure 2) a system including different service providers (142 & 162). As for the second limitation, it would have been obvious to one of ordinary skill in the art to modify Litteral, Palazzi & Yugami and rewrite over the existing software in memory in order to constantly refresh the memory.

Claim 27 differs from that of claim 11 in that more than one information provider may be accessed. It would have been obvious to one of ordinary skill in the art to modify Litteral, Palazzi & Yugami and permit more than one information provider to be accessed to provide greater flexibility to the system.

Referring to claim 29, (Palazzi) discloses (column 9, lines 43-53) an interactive terminal for accessing remote database information in which the terminal may be programmed or reprogrammed by the host data base operator for instance to change for example, internal program operation, screen information, character generation fonts, functions associated with specific keys of a keypad, etc. Therefore, Palazzi discloses control of operations of the terminal including audio/video operations such as character fonts and screen information as well as controlling operations in response to user inputs such as the functions associated with the specific keys of the keypad as claimed. It would have been obvious to one of ordinary skill in the art to modify Litteral as taught by Palazzi

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and control subsequent actions of the terminal so that future enhancements or functions may be easily and inexpensively implemented. Litteral & Palazzi fail to disclose that the software is stored. Yugami discloses (see abstract) using stored algorithms to provide new functions to the system. Although Palazzi discloses that the operations be performed in accordance with programming from the host database operator, it would have been obvious to one of ordinary skill in the art to modify Litteral & Palazzi as taught by Yugami and implement the new operations using stored software algorithms so that the same operational functions are programmed each time.

Referring to claim 30, the limitations are the same as those addressed above with respect to independent claim 28 except for the following additional limitations: 1) providing a plurality of service providers; and, 2) writing over the previous software. As for the first limitation, Litteral discloses (Figure 2) a system including different service providers (142 & 162). As for the second limitation, it would have been obvious to one of ordinary skill in the art to modify Litteral, Palazzi & Yugami and rewrite over the existing software in memory in order to constantly refresh the memory.

Claim 31 differs from that of claim 28 in that more than one information provider may be accessed. It would have been obvious to one of ordinary skill in the art to modify Litteral, Palazzi &

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Yugami and permit more than one information provider to be accessed to provide greater flexibility to the system.

Referring to claim 32, Litteral et al. (Litteral) discloses (Figure 2) an enhanced public switched telephone network supporting two-way voice and data from a plurality of video information providers (142 & 162) to a plurality of subscriber terminals (100 & 120) in which digital data is transmitted under the control of a network management system (28) (see Figure 2) for sending and receiving control signals through interface modules (ADSL interface units & ISDN D channel interface) (Figure 2, elements 16, 18, 104, 124, 38); control unit (130) for receiving user inputs from a remote control (132) and providing control signals to the network management system (28); temporary storage (42) which stores the data received in response to a command; and, decoders (106 & 126) for performing the claimed audio/video processing (column 5, lines 11-17). Litteral fails to disclose: 1) programming the control of subsequent operations of the terminal including at least some audio/video processor operations and at least some responses to the user inputs; and, 2) control is carried out by stored software programs. As for the first limitation, Palazzi, III et al. (Palazzi) discloses (column 9, lines 43-53) an interactive terminal for accessing remote database information in which the terminal may be programmed or reprogrammed by the host data base operator for

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instance to change for example, internal program operation, screen information, character generation fonts, functions associated with specific keys of a keypad, etc. Therefore, Palazzi discloses control of operations of the terminal including audio/video operations such as character fonts and screen information as well as controlling operations in response to user inputs such as the functions associated with the specific keys of the keypad as claimed. It would have been obvious to one of ordinary skill in the art to modify Litteral as taught by Palazzi and control subsequent actions of the terminal so that future enhancements or functions may be easily and inexpensively implemented. As for the second limitation, Yugami discloses (see abstract) using stored algorithms to provide new functions to the system. Although Palazzi discloses that the operations be performed in accordance with programming from the host database operator, it would have been obvious to one of ordinary skill in the art to modify Litteral & Palazzi as taught by Yugami and implement the new operations using stored software algorithms so that the same operational functions are programmed each time.

Referring to claim 33, Litteral discloses (Figure 2) video storage (144 & 146) for storing the compressed digital data and a gateway (32). Litteral fails to disclose that the server also stores the predetermined data. Yugami discloses that it is old and well known in the art to use stored programming algorithms to

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perform certain functions. It would have been obvious to one of ordinary skill in the art to modify Litteral & Palazzi as taught by Yugami and stored the predetermined data (software) so that the same operations or functions will always be executed.

Referring to claim 34, Litteral discloses (see abstract) the use of a public switched telephone network (PSTN) as the communication network.

6. Claims 14-23 are rejected under 35 U.S.C. § 103 as being unpatentable over Litteral et al. (provided by Applicant) in view of Palazzi, III et al.

Referring to claim 14, Litteral et al. (Litteral) discloses (Figure 2) an enhanced public switched telephone network supporting two-way voice and data from a plurality of video information providers (142 & 162) to a plurality of subscriber terminals (100 & 120) in which digital data is transmitted under the control of a network management system (28) (see Figure 2) for sending and receiving control signals through interface modules (ADSL interface units & ISDN D channel interface) (Figure 2, elements 16, 18, 104, 124, 38); control unit (130) for receiving user inputs from a remote control (132) and providing control signals to the network management system (28); and, decoders (106 & 126) for performing the claimed audio/video processing (column 5, lines 11-17). Litteral fails to disclose:

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1) the claimed system memory; and, 2) graphics overlay controller and means for combining. As for the first limitation, Palazzi, discloses (column 6, lines 22-42) a memory device in the CPU for storing programming information in a ROM and a RAM. It would have been obvious to one of ordinary skill in the art to modify Litteral as taught by Palazzi and store the programming information for future retrieval by the CPU to control the operation of the system. As for the second limitation, teletext communication systems are old and well known in the art to include a graphics generator and controller as well as a mixer for combining the graphics information with video data. It would have been obvious to one of ordinary skill in the art to modify Litteral & Palazzi and include a graphics overlay controller and combiner to provide enhance features such as receiving teletext or closed captioning data.

Referring to claim 15, Litteral discloses (Figure 2) ADSL interfaces (104 & 124) which are coupled to the decoders (106 & 126), respectively. Litteral fails to specifically disclose that the interface modules are replaceably detachable. It would have been obvious to one of ordinary skill in the art to modify Litteral & Palazzi and use replaceably detachable interface modules so that may changed so that the appropriate interface may be selected for use with different peripheral devices.

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Referring to claim 16, Litteral specifically discloses (column 7, lines 38-43) the use of MPEG encoding techniques on the analog signal to convert the signal to digital format. Litteral also discloses (Figure 2 & column 5, lines 11-17) the use of decoders (106 & 126) for decompressing the digitized audio and video signals and a demultiplexer for separating the audio and video data (column 6, lines 57-58).

Referring to claim 17, Litteral discloses (Figure 2) that the decoders (106 & 126) (analogous to the claimed "audio/video processor") has output means to the subscriber terminals for driving a television receiver (108 & 128).

Referring to claim 18, Litteral discloses (column 5, lines 11-17) DAC for converting the decompressed video and audio signals to analog form for display at the subscriber terminal.

Referring to claims 19 & 20, Litteral discloses (Figure 2) a control unit (130) for receiving infrared signal from remote control (132).

Referring to claim 21, serial data transceiver ports are old and well known in the art and therefore it would have been obvious to one of ordinary skill in the art to modify Litteral & Palazzi for receiving serial data transmissions.

Referring to claim 22, magnetic card readers are old and well known in the art therefore it would have been obvious to one of ordinary skill in the art to modify Litteral & Palazzi and



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include a magnetic card reader to charge a subscriber for transmitted information.

Referring to claim 23, memory card interface ports are old and well known in the art and therefore it would have been obvious to one of ordinary skill in the art to modify Litteral & Palazzi and include a memory interface port so that detachable memory devices may be used with the device for easy upgrading of the system.

7. Claim 28 is rejected under 35 U.S.C. § 103 as being unpatentable over Litteral et al. (provided by Applicant).

Referring to claim 28, Litteral discloses (see abstract and Figure 2) an enhanced public switched telephone network supporting broadband digital audio/video data transmission between subscriber terminals and a plurality of video information providers (142 & 162). Litteral fails to disclose determining if the operating system is compatible to that previously stored, if the software is compatible, supplying the software to the CPU, and, if the software is not compatible, receiving new operating system software. It is old and well known in the art that different devices operate on different operating systems and that in order for two systems to communicate the operating systems must be compatible. Therefore, it would have been obvious to one of ordinary skill in the art to modify Litteral and determine if

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the operating system is compatible so that the two devices can properly communicate.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Cohen whose telephone number is (703) 308-5080.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.



Cheryl Cohen  
June 22, 1995

VICTOR R. KOSTAK  
PRIMARY EXAMINER  
ART UNIT 262

